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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,681

03/21/2005

Fabio Vignoli

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

EMERSON, SHEROD J

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,681

Applicant(s)

VIGNOLI ET AL.

Examiner

Sherod J. Emerson

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21March2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24September2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 21March2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. As to claim 12, a "computer program product" is being recited; however, it appears that the computer program product would reasonably be interpreted by one of ordinary skill in the art as software, per se.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

7. As to claim 8, the phrase "second or other type" is not clearly understood rendering the claim indefinite, as "other type" is not properly defined in its independent claim, claim 1 or within claim 8.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5 and 7-12. are rejected under 35 U.S.C. 102(e) as being anticipated by Platt(U.S. Patent 6987221).

10. As to claim 1, Platt discloses:

A system for operating with different types of media content (seeds, Abstract, 1-16, defined as audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23),

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the system being arranged to enable a user to use a first content of a first type (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), characterized in that the system comprises:

identifying means for identifying that the user concurrently uses a second content of a second type (column 4, lines 17-20 and column 2, lines 10-23, the media analyzer receives seed items from a user which may be audio, video, books, documents, images, etc.) said second content being unrelated with the first content (col. 4, lines 17-20, the second item may be unrelated audio, video, books, documents, images, etc.), and associating means for associating said second content with the first content (the association of music videos to songs is given as an example, column 8, lines 18-25).

11. As to claim 2, Platt discloses:

The system of claim 1, further comprising storage means arranged to store meta-data comprising information pertaining to said associated first and second content. (metadata store, column 8, lines 46-48; Fig. 8, 840)

12. As to claim 3, Platt discloses:

The system of claim 1, further comprising selection means arranged to select the content.
(Abstract, lines 1-3)

13. As to claim 4, Platt discloses:

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The system of claim 2, wherein said selection means are further arranged to identify the first content upon selection of the associated second content and/or to identify the second content upon selection of the associated first content, using said information stored in the meta-data. (the selection of songs using the attributes (metadata) of music videos is given as an example, column 8, lines 18-25 and lines 46-48).

14. As to claim 5, Platt discloses:

The system of claim 4, wherein said selection means are further arranged to function as a recommender for recommending the associated first or second content upon a user-operable selection of one of said associated second and first content, respectively, using said selection means. (the recommendation of songs using the attributes (metadata) of music videos is given as an example, column 8, lines 18-25).

15. As to claim 7, Platt discloses:

The system of claim 2, wherein said selection means are further arranged to user-operably modify said meta-data. (column 4, lines 22-36 and lines 46-48)

16. As to claim 8, Platt discloses:

The system of claim 1, wherein said identifying means is arranged to identify a user's usage of a third content of a second or other type (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), said usage being concurrent to said user's usage of the

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first content, and said third content being unrelated with the first content (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), and wherein said associating means is arranged to associate said third and first content (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23),, the system further comprising rating means arranged to rate said association of the first content with the second content and/or with the third content. (the media analyzer can identify a plurality (more than two) of “seeds” and associate all of them in some manner, Abstract, 1-16)

17. As to claim 9, Platt discloses:

The system of claim 1, comprising a plurality of devices, each device including output means arranged to output at least one type of the media content, and/or input means arranged to obtain at least one type of the media content. (column 17, lines 5-27)

18. As to claim 10, Platt discloses:

The system of claim 1, wherein said first and second content correspond to video and audio content. (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23).

19. As to claim 11, Platt discloses:

A method of operating with different types of media content (seeds, 1-16, defined as audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), the method comprising a step of identifying a user's usage of a first content (media analyzer receives

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seed items and identifies the seed items, column 4, lines 12-22) of a first type characterized in that the method further comprises a step of identifying that the user concurrently uses a second content of a second type (column 4, lines 17-20 and column 2, lines 10-23, the media analyzer receives seed items from a user which may be audio, video, books, documents, images, etc.) said second content being unrelated with the first content (col. 4, lines 17-20, the second item may be unrelated audio, video, books, documents, images, etc.), and a step of associating said second content with the first content (the association of music videos to songs is given as an example, column 8, lines 18-25).

20. As to Claim 12, Platt discloses:

A computer program product enabling a programmable device, when executing said computer program product, to function as the system as defined in claim 1. (column 3, lines 36-67; column 4, lines 1-3).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Platt in view of

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Georges. (US Patent 6392133).

23. As to claim 6, Platt does not disclose:

The system of claim 4, further comprising output means arranged to simultaneously output said associated first and second content.

24. Georges, however, discloses a system for simultaneously outputting a first (audio) and second (video) content(column 1, lines 36-50).

25. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Platt with the teachings of Georges in order to enhance the functionality of Platts' system and allow the user to output more than one content simultaneously.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherod J. Emerson whose telephone number is 5712701914. The examiner can normally be reached on 8:00AM - 5:00PM Alternate Fridays off.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 5212723963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

SJE

3/16/2007


NABIL M. EL-HADY
SUPERVISORY PATENT EXAMINER